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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,279	01/20/2004	Shinichi Ishizuka	Q79062	6849

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/759,279

Applicant(s)

ISHIZUKA, SHINICHI

Examiner

Jeff Piziali

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

007/17/01

Continuation of 3. NOTE:

The applicant's proposed 'Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121' (filed 12 July 2006), if entered, would at least newly introduce for instance the limitations of "the difference between said second reset voltage and said first reset voltage is set to be lower than the light emission threshold voltage of said light-emitting element" to claim 2.

Such limitations, if incorporated into present claim language, would dramatically alter inventive scope of the claims, requiring additional search and consideration.

By such reasoning, non-entry of the proposed 'Amendment After Final Rejection' (filed 12 July 2006) is deemed proper and necessary at this time. Due to the proposed amendments not being entered, applicant's arguments are not commensurate in scope with the current claims.

The applicant contends the cited prior art of Norman et al (US 5,719,589 A) neglects teaching a second voltage applied to drive lines higher than a first voltage applied to scan lines (see Pages 7-8 of the 'Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121' filed 12 July 2006). However, the examiner respectfully disagrees.

Norman explicitly discloses periodically applying a first voltage [Fig. 3; VR -- i.e. "row reset potential"] to scan lines/rows [Fig. 3; 13], and applying a second voltage [Fig. 3; VC -- i.e. "column reset potential"] to drive lines/column [Fig. 3; 14] (see Column 6, Line 34 - Column 7, Line 18). Norman explains the aforementioned row rest potential [Fig. 3; VR] may be an open terminal/circuit (see Column 6, Lines 58-61). Therefore, any non-zero voltage could be used as Norman's column rest potential [Fig. 3; VC] and read on the instantly claimed subject matter, and wherein -33 volts is given as one non-limiting example by Norman (see Column 8, Line 15).

Furthermore, although Norman prefers using rest potentials to place unselected light emitting diodes [Fig. 3; 15] in a "reverse bias condition" (see Column 7, Line 30), Norman makes it plain the invention's only limiting factor is "the column rest potential being below a level where individual light emitting diodes of the plurality of light emitting diodes will turn ON" (see Column 10, Lines 1-4). Therefore, taking the row rest potential again to be an open terminal/circuit, Norman's apparatus provides full functionality in an alternate embodiment (compared to the aforementioned VC = -33 volts example) wherein the column rest potential is any positive voltage that doesn't turn on the light emitting diodes.

The applicant also contends Norman fails to describe a reset period after completion of a scan period and before the start of the scanning of a following line (see Pages 8-9 of the 'Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121' filed 12 July 2006). However, again, the examiner respectfully disagrees.

In one example, after scanning the first row [Fig. 3; Row #1], should the video data input signal [Fig. 1; 30] ever be lost or disconnected [an unfortunately inherent fact of life for all practical purposes of transmitting video/image data], there would be of course no selected rows [Fig. 3; 13] or columns [Fig. 3; 14], and all the LEDs [Fig. 3; 15] would necessarily be set to a reset state, as instantly claimed.

In another related example, Norman clearly discloses scanning the first row [Fig. 3; Row #1], and then during a "reset period" [for instance, while scanning the second row -- i.e. Row #2] after a scan period for scanning an arbitrary scan line [Fig. 3; Row #1] is complete and before scanning the following scan line [Fig. 3; Row #3] is started, applying a first reset voltage [Fig. 3; VR] to all of said scan lines [Fig. 3; Row #1 and Row #3] (see Column 7, Lines 35-52).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.



J.P.

17 July 2006



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